

REMARKS

In the Office Action the Examiner noted that claims 1-47 are pending in the application. The Examiner rejected claim 1, objected to claims 2 and 3, and allowed claims 4-47. By this Amendment, claims 1 and 3 have been amended, and claim 2 has been cancelled without prejudice or disclaimer. No new matter has been presented. Thus, claims 1 and 3-47 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of the rejected claim is respectfully requested.

Entry of Amendment Under 37 C.F.R. §1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited reference did not disclose the present invention as previously claimed; the amendment of claims 1 and 3 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Claim Rejection Under 35 USC §102

On page 2 of the Office Action the Examiner rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,480,454, issued to Wada et al. (hereinafter referred to as "Wada"). Further, on page 2 of the Office Action the Examiner objected to claim 2 as being dependent upon a rejected base claim (independent claim 1), but indicated that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim.

By this Amendment, claim 2 has been cancelled without prejudice or disclaimer, and the

entirety of the limitations of claim 2 have been incorporated into independent claim 1. Therefore, the Applicant respectfully submits that claim 1, as amended, patentably distinguishes over the cited reference, and withdrawal of the §102(e) rejection is respectfully requested.

Claim Objections

On page 2 of the Office Action the Examiner objected to claims 2 and 3 as being dependent upon a rejected base claim, but indicated that the claims 2 and 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As stated in the previous section of this Amendment, the limitations of claim 2 have been incorporated into claim 1, and claim 2 has been cancelled without prejudice or disclaimer. Further, claim 3 has been amended to depend from amended claim 1. Therefore, the Applicant respectfully requests the withdrawal of the objection to claim 3.

Summary

In accordance with the foregoing, claims 1 and 3 have been amended, and claim 2 has been cancelled without prejudice or disclaimer. No new matter has been presented. Thus, claims 1 and 3-47 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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